



Docket No. 1568.1072

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Sang-Hwan CHO et al.

Serial No. 10/784,192

Group Art Unit: 2879

Confirmation No. 1088

Filed: February 24, 2004

Examiner: Christopher M. Raabe

For: ASSEMBLY OF ORGANIC ELECTROLUMINESCENCE DISPLAY DEVICE

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Allowability attached to the Notice of Allowance of March 10, 2006, includes an Examiner's Statement of Reasons for Allowance.

MPEP 1302.14 states as follows in pertinent part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible effects.

The Examiner states as follows in the Examiner's Statement of Reasons for Allowance:

While the prior art does disclose providing a space between the layers forming the EL element of an EL device and a subsequent layer, as well as providing an optical loss prevention layer, the prior art does not disclose providing a space between the layers forming the EL element of an EL device and a an optical loss prevention layer, as is required by applicant's independent claims 1, 13, 22, 31, 38, and 45, nor would such combination have been obvious to one of ordinary skill in the art at the time of the invention. Hence

claims 1, 13, 22, 31, 38, and 45 are allowed. Claims 2-12, 14-21, 23-30, 32-37, 39-44, and 46-48 are allowed due to their dependence upon claim 1, 13, 22, 31, 38, or 45.

However, no claim depends from claim 45.

Furthermore, the Examiner's comments do not accurately reflect what is actually recited in independent claims 1, 13, 22, 31, 38, and 45, and might be construed to imply that these claims contain identical language, which is not the case.

Independent claim 1 recites the following feature:

wherein a fine space layer is formed between the optical loss prevention layer and the organic EL portion and is filled with a gas or evacuated.

Independent claim 13 recites the following feature:

a photonic plate which forms a fine space layer by combining with the organic EL display portion and has an optical loss prevention layer.

Independent claim 22 recites the following feature:

a photonic plate formed on the upper surface of the first electrode layer, forming a fine space layer filled with an inert gas or evacuated, and having an optical loss prevention layer.

Independent claim 31 recites the following feature:

wherein a fine space layer is formed between the optical loss prevention layer and the first electrode layer and is filled with a gas or evacuated.

Independent claim 38 recites the following feature:

a photonic plate which forms a fine space layer filled with an inert gas or evacuated by combination with the planarization film and has an optical loss prevention layer having patterned areas with different refractive indices.

Independent claim 45 recites the following features:

a first photonic plate disposed on the organic EL portion;
a second photonic plate disposed proximate to the first photonic plate;

an optical loss prevention layer, disposed on the second photonic plate and facing the first photonic plate, to increase light bleeding efficiency,

wherein a fine space layer is formed between the optical loss prevention layer and the optical loss prevention layer and is filled with a gas or evacuated.

Arguments pointing out that the above features of claims 1, 13, 22, 31, 38, and 45 are not disclosed or suggested by the prior art relied on by the Examiner were presented in the amendment of December 7, 2005.

The foregoing is merely meant to be exemplary, and is not to be construed as pointing out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the allowed claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of the same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement of Reasons for Allowance is not accurate and precise, and might be construed as placing unwarranted interpretations upon the claims, and is therefore improper pursuant to MPEP 1302.14.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 06/12/06

By: 
Randall S. Svihla
Registration No. 56,273

1400 Eye St., N.W., Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-951